

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY AT TRENTON**

JEFFREY A. WINTERS and COLLECTION
SOLUTIONS, INC., a New Jersey
Corporation; on their own behalf and on
behalf of all others similarly situated,

Plaintiff,

-VS-

JOSEPH K. JONES, ESQ., BENJAMIN J.
WOLF, ESQ., JONES, WOLF & KAPASI, LLC,
LAURA S. MANN, ESQ., LAW OFFICES OF
LAURA S. MANN, LLC; ARI H. MARCUS,
ESQ., YITZCHAK ZELMAN, ESQ., and
MARCUS & ZELMAN, LLC

Defendants.

Civil Action No. 16-09020

Civil Action

**MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on **Monday, April 3, 2017 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, Defendants Ari H. Marcus, Esq., Yitzchak Zelman, Esq. And Marcus & Zelman, LLC, shall apply to the United States District Court, District of New Jersey, for an Order dismissing plaintiffs' complaint pursuant to Rule 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of the Motion to Dismiss Plaintiffs' First Amended Complaint, Defendants Ari H. Marcus, Esq., Yitzchak

Zelman, Esq. And Marcus & Zelman, LLC shall rely on the attached Brief and Certification.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Civil Rule 7.1(e), a proposed form of Order is annexed hereto.

MORGAN MELHUIISH ABRUTYN

Attorneys for Defendants,
Ari H. Marcus, Esq.,
Yitzchak Zelman, Esq.
and Marcus & Zelman, LLC

By: /s/ Meredith Kaplan Stoma
MEREDITH KAPLAN STOMA
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Dated: March 7, 2017

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ORDER

THIS MATTER having been brought to the Court by Morgan Melhuish Abrutyn, attorneys for Defendants Ari H. Marcus, Esq., Yitzchak Zelman, Esq. And Marcus & Zelman, LLC, on notice to all counsel, for an Order dismissing Plaintiffs' complaint pursuant to Rule 12(b)(1) and (6), and the Court having considered the papers submitted herein, and for good cause shown;

IT IS on this _____ day of _____, 2017,

ORDERED that Defendants Ari H. Marcus, Esq., Yitzchak Zelman, Esq. And Marcus & Zelman, LLC's motion to dismiss is hereby **GRANTED**; and it is further

ORDERED that all counts of Plaintiffs' complaint against Defendants Ari H. Marcus, Esq., Yitzchak Zelman, Esq. And Marcus & Zelman, LLC be and are hereby dismissed with prejudice; and it is further

ORDERED that a copy of this Order be served upon all parties appearing herein with _____ days of the date hereof.

U.S.D.J